

The 2nd August, 1976

No. 6188-4Lab-76/21587. -In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following Corrigendum of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workman and the Management of M/s The Panipat Co-op. Sugar Mill Ltd., Panipat.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Miscellaneous Application No. 2 of 1976 in Reference No. 31 of 1975.

between

SHRI JAGMOHAN LAL, WORKMAN AND THE MANAGEMENT OF M/S THE PANIPAT
CO-OP SUGAR MILLS LTD. PANIPAT.

CORRIGENDUM

This is an application praying for rectification of a clerical error in the award dated 19th February, 1976 made by me in reference No. 31 of 1975 with a direction that four copies thereof be sent to Secretary to Government, of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

The facts of the case briefly stated are that the services of the workman being admittedly retrenched with effect from 9th April, 1971, a reference was made by the Governor of Haryana for adjudication of a dispute arising between the parties, as to whether the retrenchment of his services was justified and in order. A copy of the demand notice served by the workman on the management was attached with the reference. There was a clerical and a typographical error in the copy of the demand notice attached with the reference in as much as the date of termination of services of the workman as stated therein was 3rd April, 1974 instead of 9th April, 1971; the actual date of his retrenchment. This mistake gave rise to a clerical mistake in the award wherein the reinstatement of the workman, in final paragraph, was ordered with effect from 3rd April, 1974, even though the date of his retrenchment in the 4th paragraph of the award was stated as 9th April, 1971. It would, thus appear that the relief of reinstatement actually granted to the workman with continuity of service and full back wages with effect from 3rd April, 1974 should have been granted to him with effect from 9th April, 1971 and the mistake arose out of the copy of the notice of demand attached with the reference by the Governor. This is in other words a clerical mistake arising out of accidental slip and omission and should in all fairness be corrected under rule 28 of the Industrial Disputes Act (Punjab) Haryana rules as amended by the Industrial Dispute Punjab Haryana 1st. amendment rule, 1976 reproduced as under:—

“28. Correction of errors:—The Labour Court, Tribunal or Arbitrator may at any time correct any clerical mistake or error arising from an accidental slip or omission in any proceeding, report, award, or decision either of its, or his own motion, or on the application of any of the parties.”

I, therefore, now order that the award dated 19th February, 1976 be corrected, so as to substitute 9th April, 1971 instead of 3rd April, 1974 as the date from which the workman should be reinstated with continuity of service and full back wages.

The 16th June, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 700, dated 19th June, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Haryana, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947, read with rule 28 of the Industrial Dispute (Punjab) Rules as amended by Industrial Dispute (Punjab, Haryana) 1st, Amendment Rules, 1976.

The 19th June, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

P. P. CAPRIHAN,
Commissioner & Secy.